



Advisory

To: Manufacturers, Distributors, Dealers and
Installers of all Aftermarket Parts, New
Vehicle Dealers, and Other Interested Parties

Number 339

January 2006

SALES AND INSTALLATION OF AFTERMARKET PARTS ON NEW VEHICLES IN CALIFORNIA

This Advisory discusses California laws and regulations pertaining to the sale and installation of aftermarket parts on new and used on and off-road vehicles in California.

SUMMARY OF THE CALIFORNIA LAWS AND REGULATIONS

- Any part, device or modification that alters or modifies the design or performance of an original motor vehicle pollution control device or system is required to obtain an Executive Order from the ARB exempting it from California Vehicle Code section 27156.
- Only aftermarket parts with valid ARB Executive Orders may be used on California vehicles.
- A new California vehicle must be sold in the original manufacturers certified configuration with no modifications made.
- Modification of a new vehicle through installation of ARB exempted and non-exempted aftermarket parts cannot be done prior to or concurrent with the vehicle's transfer to an ultimate purchaser.
- Maximum penalties under the law will be assessed to anyone, other than the ultimate purchaser, modifying the emission systems of a new on-road or off-road vehicle in California.

Automotive emissions account for over fifty percent of all smog forming pollutants in California. To improve air quality, the California Air Resources Board (ARB) requires vehicle manufacturers to develop engine and emission equipment systems that reduce the specific pollutants that cause California's severe air quality problem. These emission control systems are also required to be proven durable and reliable, and are covered by an emissions control warranty. New

vehicles sold in California are required to demonstrate compliance with these requirements through rigorous testing as part of the certification process. To ensure that these systems operate as designed, California Vehicle Code Section 27156 and the Federal Clean Air Act prohibit modifications that may increase motor vehicle emissions.

An exemption from Vehicle Code Section 27156 (VC 27156), California's anti-tampering law, is required before any add-on or modified part can be sold in California. Vehicle Code Section 27156 (c) states, "No person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system." An exempted aftermarket part may be installed on a vehicle that has been delivered to an ultimate purchaser under the terms and conditions of the applicable Executive Order.

ARB Aftermarket Part Executive Orders do not apply to any aftermarket parts advertised, offered for sale, sold with, or installed on a new motor vehicle prior to or concurrent with the vehicle's transfer to an ultimate purchaser. Modification of a new vehicle through installation of aftermarket parts produces a vehicle in a different condition than it was originally certified by the original manufacturer. A new vehicle that was modified in this way would therefore be considered by the ARB as an uncertified vehicle and would be in violation of Health and Safety Code, Sections 43150-43154. A new vehicle is defined in the Health and Safety Code, Section 39042 as, "'New motor vehicle' means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser."

A violation to H&SC 43151-43153 carries with it a penalty of up to \$5000 per violation under H&SC 43154. Any person, business or entity using aftermarket parts to modify a new vehicle in California or selling a new modified vehicle to anyone in California is in violation of California law.

For clarification about ARB's Aftermarket Parts laws and regulations, please contact Rose Castro, Manager, Aftermarket Parts Section (626) 575-6848 or via e-mail at rcastro@arb.ca.gov. For questions or comments regarding enforcement, please contact Michelle Shultz Wood, Staff Air Pollution Specialist, Mobile Source Enforcement Section, Enforcement Division, at (626) 459-4338. You may also access information about the Aftermarket Parts Program via the internet at <http://www.arb.ca.gov/msprog/aftermkt/aftermkt.htm>.